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12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 ERICA BLUTH, an individual, and
15 LAVORIA WILSON, an individual,

16 Plaintiff,

17 v.

18 TYLER BAEHR, and individual, and THE
19 CITY OF RENO, apolitical subdivision of
20 the State of Nevada.,

21 Defendants.

Case No.: 3:25-cv-00129 ART-CSD

JOINT CASE MANAGEMENT
REPORT

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23 Pursuant to the Order Setting Case Management Conference issued by United
24 States Magistrate Judge Craig S. Denney on March 31, 2025 (ECF No. 9), and the
25 Order granting an extension on April 28, 2025 (ECF No. 13), the parties submit this
26 updated Joint Case Management Report. The Plaintiffs and the City of Reno met and
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1 conferred on April 14, 2025, and all of the parties, including Mr. Baher again on May
2 19, 2025, to discuss the matters outlined in the Court's order. This report reflects the
3 participation of Plaintiffs, Defendant City of Reno, and Defendant Tyler Michael Baehr,
4 who filed an Answer on May 6, 2025 (ECF No. 20). This report addresses the required
5 items in separately numbered paragraphs as designated.

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7 1. **Nature of the Case** : This case involves claims by Plaintiffs Erica Bluth
8 and Lavoria Wilson against Defendants Tyler Michael Baehr, a Reno Police Officer, and
9 the City of Reno, arising from two traffic stops in Reno, Nevada, on December 31,
10 2023, and August 12, 2024. Baehr allegedly seized Plaintiffs' cell phones under the
11 pretext of verifying insurance, accessed private and intimate materials without consent,
12 and, in Bluth's case, copied such materials. Plaintiffs assert: (1) violation of Fourth
13 Amendment rights under 42 U.S.C. § 1983 against Baehr; (2) violation of Article 1,
14 Section 18 of the Nevada Constitution against Baehr and the City of Reno; (3) intrusion
15 upon seclusion against Baehr and the City of Reno; and (4) a Monell claim under 42
16 U.S.C. § 1983 against the City of Reno for failure to train. Plaintiffs seek compensatory
17 and punitive damages, declaratory relief, and attorney's fees. The City of Reno denies
18 the allegations, asserting Baehr's actions were lawful, within his duties, and that
19 adequate training was provided, raising defenses including qualified immunity and
20 statutory immunities under Nevada law. Baehr, in his Answer (ECF No. 20), invokes his
21 Fifth Amendment rights against self-incrimination due to a related criminal case (Case
22 No. 3:25-CR-00002-MMD-CSD), denying most allegations either on that basis or for
23 lack of sufficient information.
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1 2. **Jurisdictional Basis:** This Court has federal question jurisdiction under
2 28 U.S.C. §§ 1331 and 1343 for claims under 42 U.S.C. § 1983. Supplemental
3 jurisdiction over state law claims is proper under 28 U.S.C. § 1367, as they arise from
4 the same nucleus of operative facts. Venue is proper under 28 U.S.C. § 1391, as the
5 events occurred in Reno, Nevada. Jurisdiction is not based on diversity, so citizenship
6 and amount in controversy are not addressed.
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8 3. **Adding Parties or Amending Pleadings :** Plaintiffs do not anticipate
9 adding parties or amending pleadings at this time but reserve the right to do so if
10 discovery reveals additional liable parties or claims, subject to the proposed deadline
11 of July 14, 2025 (ECF No. 10). The City of Reno has not indicated plans to add parties
12 or amend its Answer (ECF No. 6) but reserves the same right. Baehr, having recently
13 filed his Answer (ECF No. 20), has not indicated plans to amend but reserves the right
14 to supplement his Answer with affirmative defenses after resolution of his criminal
15 case.
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17 4. **Pending Motions :** Several motions are pending:

18 a. Plaintiffs' Motion for Protective Order (ECF No. 11), filed April 23, 2025,
19 seeks to safeguard sensitive materials, including intimate images and videos, during
20 discovery. The City of Reno responded on May 7, 2025 (ECF No. 23), and Plaintiffs
21 replied on May 8, 2025 (ECF No. 25). This motion is set for discussion at the May 28,
22 2025, case management conference (ECF No. 29).
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24 b. The City of Reno's Motion for Judgment on the Pleadings (ECF No. 16),
25 filed April 30, 2025, seeks dismissal of certain claims. Plaintiffs responded on May 14,
26 2025 (ECF No. 31), and the City replied on May 21, 2025.
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1 c. Plaintiffs' Motion Regarding Discovery Dispute (ECF No. 17), filed May 5,
2 2025, addresses discovery issues. The City responded on May 8, 2025 (ECF No. 26),
3 and this motion is set for discussion at the May 28, 2025, conference (ECF No. 29).

4 d. The City of Reno's Motion to Stay Case (ECF No. 22), filed May 7, 2025,
5 seeks a stay pending Baehr's criminal case. Plaintiffs responded on May 16, 2025 (ECF
6 No. 32), and replies are due by May 23, 2025.

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8 5. **Related Cases** : A related criminal case against Baehr, Case No. 3:25-
9 CR-00002-MMD-CSD, is pending in this District, involving allegations related to the
10 same or similar conduct, potentially impacting this case's progression. Bluth also has a
11 public records case against the City of Sparks and the City of Reno, District Court
12 Case No. CV24-02408, pending on appeal before the Nevada Supreme Court in Case
13 No. 90244.

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15 6. **Discovery Statement** :

16 a. Rule 26(f) Initial Disclosures: Plaintiffs propose serving initial disclosures
17 by May 23, 2025, adjusting from their original April 28, 2025, proposal (ECF No. 10)
18 due to the extension (ECF No. 13). The City of Reno objects, citing its Motion to Stay
19 (ECF No. 22), which may delay disclosures. Baehr also objects, citing its Motion to
20 Stay (ECF No.22), which may delay disclosures.

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22 b. Discovery Requests Served: No discovery requests have been served,
23 pending resolution of the Motion for Protective Order (ECF No. 11) and the Motion to
24 Stay (ECF No. 22). Plaintiffs intend to serve interrogatories and document requests
25 upon entry of a protective order.
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1 c. Protective Order: Plaintiffs' Motion for Protective Order (ECF No. 11)
2 seeks to protect sensitive materials, including intimate images and videos. A draft was
3 sent to the City on April 14, 2025, but no agreement was reached. Baehr has not
4 provided input.

5 d. Timing, Sequencing, Phasing, or Scheduling: Plaintiffs propose a 180 -day
6 discovery period ending November 14, 2025, adjusted from October 10, 2025 (ECF No.
7 10), due to the extension (ECF No. 13). The City seeks a stay, which may necessitate
8 further extensions if granted. Baehr's recent participation may require adjustments.
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10 e. Discovery Outside District or U.S.: The parties do not anticipate discovery
11 outside the District of Nevada or the United States.

12 f. Depositions: Plaintiffs anticipate deposing Baehr, Reno Police
13 Department training personnel, and up to five additional witnesses (e.g., Sparks Police
14 detectives), to be conducted in Reno, Nevada, with video and sound recording. The
15 City anticipates deposing Plaintiffs and relevant witnesses but has not specified
16 further. Baehr's deposition plans are unknown.
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18 7. **Electronically Stored Information (ESI)** : ESI includes digital images,
19 videos, and text messages on Plaintiffs' cell phones, City of Reno training records,
20 Baehr's personnel files, patrol vehicle data (e.g., dashcam footage), and third -party
21 platform data (e.g., Snapchat). ESI is located on Plaintiffs' devices, City servers, and
22 third-party platforms. The parties agree to preserve ESI to prevent spoliation and
23 produce in PDF or native format with Bates numbering. Baehr as a pro se defendant,
24 stated he will comply with ESI preservation. These issues await resolution pending the
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1 protective order and stay motion. Plaintiffs believe a stipulated protective order will
2 address inadvertent disclosure of privileged ESI.

3 8. **Jury Trial:** Plaintiffs demanded a jury trial (ECF No. 1), which the City
4 does not contest. Baehr's Answer (ECF No. 20) does not contest the jury trial demand.
5 The parties estimate a 7-10 day trial.

6 9. **Settlement:** During the April 14, 2025, and May 19, 2025, meet and
7 confers, Plaintiffs, the City, and Baehr discussed settlement but reached no
8 agreement. Plaintiffs propose a court-sponsored settlement conference after initial
9 discovery, potentially using expert testimony for case valuation, as a concrete damage
10 assessment may require expert review. The City prefers to defer settlement talks
11 pending resolution of its Motion to Stay (ECF No. 22). Baehr participated minimally,
12 citing his criminal case. The parties considered alternative dispute resolution (e.g.,
13 mediation) and request the Court's guidance on timing, especially if a stay is granted.

14 10. **Magistrate Judge Jurisdiction:** The parties discussed consenting to trial
15 before a magistrate judge under 28 U.S.C. § 636(c). Plaintiffs are not open to
16 magistrate jurisdiction. The City has not expressed a position. Baehr states that given
17 the plaintiffs have declined; he defers to the default assignment to the District Judge.

18 11. **Bifurcation, Phasing, or Expediting** : Plaintiffs oppose bifurcation or
19 phasing, citing overlapping evidence for liability and damages, and propose a 180 -day
20 discovery schedule to expedite proceedings (ECF No. 10). The City proposes a stay
21 (ECF No. 22), which may affect scheduling. Baehr proposes a stay (ECF No.22) due to
22 his criminal case. The parties request the Court's input on efficiency, given the pending
23 motions.
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CERTIFICATE OF SERVICE

I certify that on the date shown below, I caused service to be completed of a true and correct copy of the foregoing by:

_____ personally delivering;

_____ delivery via Reno/Carson Messenger Service;

_____ sending via Federal Express (or other overnight delivery service);

☒ x ___ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,

☒ x ___ delivery via electronic means (fax, eflex, NEF, etc.) to:

Peter K Keegan
Reno City Attorney
1 East 1st Street
Reno, NV 89510
775-220-1426
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Via US Mail to:

Tyler Michael Baehr
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May 23, 2025

By: /s/ Luke Busby, Esq.